

In The Matter Of:

JASON JORDAN

vs.

PREMIER ENTERTAINMENT BILOXI, et. al.

JASON JORDAN

March 31, 2014

MERRILL CORPORATION

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JASON JORDAN

March 31, 2014

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JASON JORDAN; ALYSSA JORDAN,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF UNBORN BABY JORDAN,
DECEASED AND ON BEHALF OF ALL OF
THE HEIRS AT LAW AND WRONGFUL
DEATH BENEFICIARIES OF UNBORN
BABY JORDAN, DECEASED;
AND CHRISTOPHER SOUKUP

PLAINTIFFS

VS.

CIVIL ACTION NO: 1:13cv195 LG-JMR

PREMIER ENTERTAINMENT BILOXI,
LLC d/b/a HARD ROCK HOTEL & CASINO;
THE CITY OF BILOXI, MISSISSIPPI;
DOE DEFENDANT ONE; JOSHUA HAMILTON,
IN HIS OFFICIAL AND INDIVIDUAL
CAPACITIES; DOE DEFENDANT THREE;
DOE DEFENDANT FOUR; DOE DEFENDANT
FIVE AND DOE DEFENDANTS 6-10

DEFENDANTS

DEPOSITION OF JASON JORDAN

Taken at 759 Vieux Marche Mall, Biloxi,
Mississippi, Monday, March 31, 2014,
beginning at 2:29 p.m.

REPORTED BY:
JENNIFER RAY, RPR
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13 *****
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15 EXHIBITS
1617 (No exhibits were marked.)
18

19 *****
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23 *****
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25 *****

1 STIPULATION

2 It is hereby stipulated and agreed
3 by and between the parties hereto, through
4 their respective attorneys of record, that
5 this deposition may be taken at the time and
6 place hereinbefore set forth, by Jennifer Ray,
7 RPR, Court Reporter and Notary Public,
8 pursuant to the Federal Rules of Civil
9 Procedure, as amended;

10 That the formality of READING AND
11 SIGNING is specifically NOT WAIVED;

12 That all objections, except as to
13 the form of the questions and the
14 responsiveness of the answers, are reserved
15 until such time as this deposition, or any
16 part thereof, may be used or is sought to be
17 used in evidence.

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25

1 JASON JORDAN,
2 the witness, having been produced and
3 first duly sworn, testified as follows,
4 to-wit:

5 - - -

6 BY MR. STEWART:

7 Q. State your full name, please.

8 A. Jason Christopher Jordan.

9 Q. Where do you live, Jason?

10 A. I live in Biloxi.

11 Q. Are you in the military right now?

12 A. Yes, I am.

13 Q. What's your rank?

14 A. I am a senior airman, E-4.

15 Q. Senior airman?

16 A. Yes.

17 Q. Okay. You sat through most of the
18 deposition, but you missed the beginning of
19 it, so I'm gonna kind of go back through.

20 If you would -- I'm the attorney for
21 Hard Rock, David Stewart. We met briefly
22 before. I'm gonna ask you a series of
23 questions. If you would, just answer out loud
24 so the court reporter can take down what you
25 say, and try to verbalize your answer as

1 opposed to head nods and things like that --

2 A. Yes, sir.

3 Q. -- that she can't take down. It's a
4 lot more complicated if you do that.

5 If you don't understand something
6 I've asked you, just let me know, and I'll try
7 to clarify my question for you. Okay?

8 A. Yes, sir.

9 Q. Have you ever been in a deposition
10 before?

11 A. No, sir.

12 Q. Have you ever filed a lawsuit
13 besides this one?

14 A. No, sir.

15 Q. Have you ever given testimony
16 anywhere before?

17 A. No, sir.

18 Q. What's your current address?

19 A. It is 121 O'Donnell,
20 O-D-O-N-N-E-L-L, Drive, Biloxi, Mississippi
21 39531.

22 Q. How long have you been there?

23 A. Since December.

24 Q. And who lives there with you?

25 A. My wife, Alyssa.

1 Q. Where does she work?

2 A. She does not work.

3 Q. What's the last job she's held?

4 A. She worked at Java, a coffee shop in
5 Cadillac, Michigan.

6 Q. Is there any reason she's not
7 working?

8 A. I just got back from deployment, so
9 we just relocated back to Mississippi -- or
10 she just relocated back, and I just got back
11 to the States, so....

12 Q. Where have you been?

13 A. I was in Saudi Arabia.

14 Q. What were you doing in Saudi? What
15 type of job?

16 A. Security, police work, base
17 security, patrol, QRF, Quick Reaction Force,
18 working with the Saudi military, Saudi police
19 training.

20 Q. Were you at a particular base there?

21 A. Eshan Village.

22 Q. Is that close to Afghanistan?

23 A. Not particularly. It's -- it
24 borders Iraq. Afghanistan is north.

25 Q. Oh, okay. I guess I'll get my

1 geography straight before I ask a question.

2 So it's more in support of anything
3 going on in that area, the Iraqi campaign to
4 withdraw and all that, or is that all over?

5 A. It was in -- we did -- we did have
6 some troops forward deploy to Afghanistan, and
7 it was in support of the Syrian conflict. So
8 if we needed to go to Syria, then we could
9 forward deploy to Jordan.

10 Q. Do you have a driver's license?

11 A. Yes, I do.

12 Q. What state is that?

13 A. Mississippi.

14 Q. Do you have that with you?

15 A. Yes, I do.

16 Q. Could I get the driver's license
17 number, or do you happen to know it?

18 A. I don't know it. I just got it.
19 802649257.

20 Q. Do you have any restrictions on your
21 license?

22 A. No, sir.

23 Q. Have you ever had a driver's license
24 suspended or revoked?

25 A. No, sir.

1 Q. What other states have you held a
2 driver's license in?

3 A. Michigan.

4 Q. Just Michigan?

5 A. Yes.

6 Q. What's your date of birth?

7 A. January 28th, 1989.

8 Q. Makes you how old?

9 A. 25.

10 Q. How far did you go in school?

11 A. As far as?

12 Q. High school, college.

13 A. I haven't graduated college, but I
14 have about 59, 60 credit hours, and I have a
15 certificate for 911 dispatching that I got
16 from Baker College. It was for 911
17 telecommunications certificate.

18 Q. 911. Okay. Where did you go to
19 high school?

20 A. Pine River.

21 Q. Pine River in where?

22 A. Le Roy, Michigan.

23 Q. How long have you known Alyssa
24 Jordan?

25 A. Since I believe 2009.

1 Q. It would have been Alyssa something
2 else. What was it before?

3 A. What's that?

4 Q. What was her maiden name?

5 A. Sylvester.

6 Q. Where did y'all meet?

7 A. We worked together at a movie
8 theater.

9 Q. And when did y'all get married?

10 A. It was June 5th, 2011, the 5th or
11 the 6th.

12 Q. You worked at a movie theater. Was
13 that your job prior to going into the Air
14 Force?

15 A. Yes. I worked there and I worked at
16 FedEx at the same time.

17 Q. How long did you work at those
18 places?

19 A. I worked at the movie theater from I
20 think the end of 2008 until 2010, so about two
21 years, and the same for FedEx.

22 Q. What kind of theater was it, like a
23 United Artist or something, or what was it?

24 A. It was a Goodrich Quality Theaters,
25 just a five-screen, just a small theater.

1 Q. What location?

2 A. Cadillac, Michigan.

3 Q. Is that the only one there?

4 A. Yes.

5 Q. And where did you work for FedEx?

6 A. In the same town.

7 Q. Was it a facility there, you were a
8 driver?

9 A. It was FedEx Ground.

10 Q. What did you do for them?

11 A. I loaded and unloaded trucks.

12 Q. Did you work anywhere else before
13 you went in the military?

14 A. I worked at Dairy Queen.

15 Q. In Cadillac?

16 A. Yes.

17 Q. Did you have any issues, personal
18 issues or anything that led to your decision
19 to go into the military?

20 A. No, sir. Just sick of paying for
21 school, so...

22 Q. College?

23 A. Yes, for college.

24 Q. And since then, you studied --
25 you've got some college credits?

1 A. Yes, sir.

2 Q. What were those in?

3 A. Criminal justice.

4 Q. And where is that?

5 A. I went to Baker College, Community
6 College of the Air Force, Mississippi Gulf
7 Coast Community College.

8 Q. Where is Baker College?

9 A. Cadillac.

10 Q. What about Community College of the
11 Air Force, where is that?

12 A. I'm not exactly sure where the
13 headquarters are.

14 Q. Is that something available to the
15 entire Air Force?

16 A. Yes, it is.

17 Q. Is it online, or how does that work?

18 A. You get credits for attending --
19 like Security Forces Academy, you get credits
20 towards your associate's degree in criminal
21 justice, and then my credits from Baker
22 College would also fill into electives and
23 whatnot for the Community College of the Air
24 Force.

25 Q. What about Mississippi Gulf Coast

1 Community College, where did you do that?

2 A. Jefferson Davis Campus in Gulfport.

3 Q. When did you start there?

4 A. It was in -- I did one semester in
5 -- one or two semesters in 2012. It was the
6 fall semester, I believe.

7 Q. Did you finish those classes?

8 A. Yes, I did.

9 Q. Did you pass those classes?

10 A. Yes.

11 Q. What were those classes in? What
12 type of criteria --

13 MR. CLARK: Study?

14 MR. STEWART:

15 Q. Study, field of study?

16 A. Criminal justice, police
17 administration, criminal organization and
18 criminal investigations.

19 Q. Have you ever studied Mississippi
20 law in any of those courses?

21 A. No, sir.

22 Q. Have you ever been married to anyone
23 besides Alyssa?

24 A. No, sir.

25 Q. Have you ever been separated from

1 her in terms of legal separation?

2 A. No.

3 Q. Before the incident at Hard Rock,
4 have you ever been charged with any form of
5 domestic violence or abuse by anyone?

6 A. No, sir.

7 Q. Have you ever been convicted of a
8 felony in the last ten years?

9 A. No, sir.

10 Q. Have you ever had any sort of
11 conviction related to alcohol consumption?

12 A. No, sir.

13 Q. Have you ever had any sort of
14 investigation in the military regarding
15 domestic abuse of anyone?

16 A. No, sir.

17 Q. Have you ever been -- other than the
18 facts of this incident, have you ever been
19 removed from a casino or other place of
20 business for any reason?

21 A. No, sir.

22 Q. Have you ever been trespass from
23 any casino or other place of business?

24 A. No, sir.

25 Q. You're in the Air Force, right?

1 A. Yes.

2 Q. What's your -- I don't know what to
3 call it -- your division, squad, squadron, how
4 do you describe it?

5 A. Squadron.

6 Q. Which is what; the 81st?

7 A. 81st Security Forces Squadron.

8 Q. How large is that? How many people?

9 A. Between two and three hundred.

10 Q. Who is the commander?

11 A. Major Fitzpatrick.

12 Q. Was he the commander at the time of
13 this incident?

14 A. No.

15 Q. Who was then?

16 A. Major Pignataro.

17 Q. Do you know where he is now?

18 A. He is -- the last I knew he was
19 overseas, but I don't know the exact location.

20 Q. Can you spell his name?

21 A. I could try, but I don't know how to
22 spell it.

23 Q. You said he was overseas?

24 A. The last I knew, but I'm not sure of
25 the exact location.

1 Q. Do you know where he's from
2 initially, what he calls home?

3 A. I believe in passing -- what I
4 remember, we were both from Michigan. I think
5 he was from the UP, Upper Peninsula, but I'm
6 not for sure.

7 Q. Okay. And what's your exact job in
8 the military now?

9 A. I'm a Security Forces policeman, and
10 I am the corrections supervisor, mid shift
11 corrections supervisor.

12 Q. What is a corrections supervisor?

13 A. For people that get court-martialed
14 and are convicted to -- or sentenced to time.
15 Anything under six months, then I am in charge
16 of supervising them, facilitating their days,
17 providing meals, just like in a regular jail
18 or prison, just a -- like a guard.

19 Q. So you function like a warden or a
20 prison employee?

21 A. Yes, sir.

22 Q. Who actually is over that fully?
23 Who is your direct supervisor?

24 A. Well, it -- do you want immediate
25 supervisor?

1 Q. Who is your next up supervisor?

2 A. Staff Sergeant O'Neal. She is the
3 non-commissioned officer in charge of
4 confinement.

5 Q. How many people are confined, or how
6 large is the facility, I guess?

7 A. It's a Level 1 confinement facility.
8 It can house up to 20 people.

9 Q. And that max's out at six months?

10 A. Yes, sir.

11 Q. And after that they go to
12 Leavenworth or someplace like that?

13 A. Or Miramar, Leavenworth.

14 Q. Okay. And who is above Master
15 Sergeant -- Staff Sergeant O'Neal, is that
16 what you said?

17 A. Staff Sergeant O'Neal.

18 Q. Who is above her, him or her?

19 A. Gonna be the op superintendent,
20 would be Captain Porta.

21 Q. Spell that last name.

22 A. P-O-R-T-A.

23 Q. Okay. Is that the same supervisor
24 who was over your security shift, active duty
25 shift on the date of this incident?

1 A. He operates in -- not immediate
2 supervisor. He's the second in charge of the
3 squadron, so he kind of facilitates --

4 Q. Going back to the date of this
5 incident. Who was over your squad of -- I'm
6 using the wrong term because I don't
7 understand all the relationships, but the
8 group of guys --

9 A. It would be called a flight.

10 Q. Flight. Okay. Who was over your
11 flight?

12 A. It was Chris Soukup.

13 Q. How many people constitute a flight?

14 A. It just varies. At that time, it
15 was approximately -- probably between 40 and
16 50 people.

17 Q. Is it like a shift?

18 A. Yes.

19 Q. It's the equivalent -- military
20 equivalent of a shift?

21 A. Military equivalent of a dayshift,
22 mid shift, swing shift.

23 Q. So a tour of duty to me means you're
24 going overseas and coming back six months
25 later, but to y'all that means working in a

1 day, right?

2 A. It can mean both.

3 Q. I learned that this morning.

4 What shift were you working on the
5 day of this incident?

6 A. I was working swings.

7 Q. Is that considered a flight --

8 A. Yes.

9 Q. -- or that's your entire group?

10 Okay. What time did you get off
11 work?

12 A. I believe it was approximately 11:00
13 p.m.

14 Q. Did you get off earlier than
15 expected?

16 A. I had a -- I believe I was an early
17 post, so I posted an hour early, and then you
18 get relieved -- you still work the same amount
19 of time, but you go in an hour early and get
20 relieved an hour early.

21 Q. Does any of your training involve
22 identifying people with signs of intoxication?
23 Have you ever been trained on that?

24 A. Not in a certifying capacity, but
25 I've been trained on it generally.

1 Q. As a security officer --

2 A. Yes.

3 Q. -- or a security airman?

4 What is your title? What do you --
5 are you characterized as a police officer in
6 the military? What do they call it, MP?

7 A. Well, for the Air Force, it's called
8 SF, Security Forces, but it's -- you have
9 apprehension authority. It's the same thing
10 as a MP.

11 Q. Are you a sworn police officer in
12 the military?

13 A. Yes.

14 Q. Do you carry a badge?

15 A. I have one for my uniform, but
16 there's no credentials that go with it. It's
17 just a badge.

18 Q. It's just part of the actual decor
19 of the uniform?

20 A. Correct.

21 Q. It's not a badge in the sense of a
22 police officer taking out a badge to show that
23 he's a police officer?

24 A. It depends on the investigators in
25 our squadron. They're given credentials, and

1 they can use that badge that goes in there
2 that -- there's an actual badge wallet for it.
3 But in our capacity, we don't have credentials
4 for it. So it's just an identifying item on
5 our uniform so other people in the military
6 know that we're police.

7 Q. When you are outside of the base or
8 other military complex, are you a police
9 officer outside in the world in any way, shape
10 or form?

11 A. No, sir.

12 Q. Okay. You've never been sworn as a
13 police officer in any jurisdiction, have you?

14 A. No, sir.

15 Q. Have you ever received any awards or
16 medals in the military?

17 A. I won -- I just recently won Airman
18 of the Quarter for the fourth quarter and air
19 expeditionary medal.

20 Q. So what did it take to get Airman of
21 the Quarter?

22 A. You have to -- you stand out from --
23 there's approximately 150 airmen, so you go
24 into competition with them. It's volunteer
25 work, ratings on your -- how well you're doing

Page 22

1 your job. I was deployed at the time, so some
2 of the things I did -- I did training with the
3 EOD, bomb detection, just --

4 Q. Going above and beyond what's asked
5 of you?

6 A. Right. That's right.

7 Q. Would you characterize your career
8 currently in the Air Force as successful?

9 A. Yes.

10 Q. Okay. Do you have any long-term
11 plans after the military? What are you gonna
12 do after that?

13 A. Hopefully retire out of there, and
14 then we'll see from there.

15 Q. What's the retirement time for the
16 military?

17 A. It's a minimum of 20 years.

18 Q. How much do you have in?

19 A. A little over three.

20 Q. Have you ever been the subject of
21 any discipline by the military?

22 A. Resulting from this incident, yes.

23 Q. Any other?

24 A. No other.

25 Q. Okay. What was the -- was there an

1 investigation with regard to this incident?

2 A. I believe so, but I'm not sure to
3 the extent of how far the investigation went.

4 Q. How did you know there was an
5 investigation at all?

6 A. Just based on the punishment I
7 received, I assumed that they had to do some
8 sort of investigation to give me a punishment
9 for it.

10 Q. What punishment did you receive?

11 A. It was Art 5.

12 Q. A what?

13 A. It's an Article 15, nonjudicial
14 punishment.

15 Q. What happened as a result of that?

16 A. I was given 45 days of extra duty.

17 Q. Did you have an opportunity to --
18 was there any sort of proceeding where you
19 testified or explained the facts?

20 A. You can deny the Art 15, but then
21 you have to go to court-martial, or you can
22 accept the Art 15, and you're not admitting
23 guilt, but you're accepting that punishment
24 over going to court.

25 Q. Who communicated those facts to you,

1 those options?

2 A. My commander, Major Pignataro.

3 Q. Did he explain to you why you were
4 being given those options?

5 A. Not specifically. It's just -- I
6 think it's just their proceedings and
7 punishment.

8 Q. So you were afforded the opportunity
9 to either take the punishment that was
10 determined to be appropriate to you, the 45
11 days of extra duty, or you could not accept
12 that and then have a full court-martial?

13 A. That's right.

14 Q. And you accepted to take the
15 punishment?

16 A. Yes.

17 Q. When was that?

18 A. That was in January of 2012.

19 Q. And your understanding was that was
20 as a direct result of the incident at the Hard
21 Rock --

22 A. Yes.

23 Q. -- at issue in this lawsuit?

24 A. That's right.

25 Q. Have you ever had any demotion in

1 your rank?

2 A. No, sir.

3 Q. Have you been promoted at all?

4 A. Yes.

5 Q. When was that?

6 A. August 29th of 2013.

7 Q. Were you suspended without pay when
8 -- I'm sorry -- when you -- the 45 days that
9 you worked, were you paid during that?

10 A. Yes.

11 Q. Have you consistently worked since
12 the date of this incident?

13 A. Not in my job capacity, but I had to
14 show up -- I had to be at -- present for duty
15 every day, but I haven't been able to do my
16 job every day.

17 Q. What do you mean?

18 A. I was unable to arm-up due to
19 injuries and the punishment proceedings.

20 Q. What do you mean -- I understand the
21 issue about injuries. What do you mean
22 because of the punishment proceedings?

23 A. I guess in the month leading up to
24 -- while they were doing their investigation
25 in the month of December, they relieve you of

1 duty so you can't carry a firearm. If you
2 can't carry a firearm, then you can't complete
3 your job unless they send you in an
4 administrative capacity.

5 Q. So how long were you not in a
6 position to carry a firearm because of the
7 discipline?

8 A. 30 days.

9 Q. How long were you saying you were
10 not able to, as you say, arm-up otherwise?

11 A. I have to think about it for a
12 minute. It was about 13 months.

13 Q. What did you do in those 13 months
14 in terms of your job?

15 A. For the first -- for the first six
16 months, I was still assigned to my flight, but
17 I was doing administrative paperwork, filing,
18 cleaning, anything they needed me to do.

19 Q. And what about after those six
20 months?

21 A. Then I was assigned to the pass and
22 registration office, which is a visitor
23 center.

24 Q. And then after 13 months, you went
25 back to full duty?

1 A. Yes.

2 Q. Have you got any limitations or
3 restrictions in what you can and can't do
4 physically as a matter of a doctor telling you
5 that?

6 A. No pushups still.

7 Q. Are you required to do pushups?

8 A. Yes.

9 Q. Are you excused from that
10 requirement in terms of -- I know there's
11 certain fitness things you have to do in the
12 military. Is that something you're allowed to
13 not do because of that?

14 A. It is for a short period of time,
15 and then anything over two years they begin
16 investigation of why you're still injured, and
17 then you can possibly be med boarded, which is
18 a medical disposition to see if you're still
19 fit to be in the military or if the injury is
20 preventing you from being physically capable
21 to continue your career.

22 Q. Where do you stand on the two years
23 time-wise?

24 A. This is the last -- it's called a
25 profile. That's what you get from the doctor

1 that excuses you from pushups, situps, any
2 physical training. I'm at the end of that.

3 Q. What you do you mean the end?
4 Literally you're at the end of the two years?

5 A. Yes.

6 Q. Have you -- has a physician -- who
7 are you treating with for that?

8 A. It's Dr. -- I'm not sure if she's a
9 doctor, but my primary care physician, Dr.
10 Corta.

11 Q. Where is she?

12 A. Keesler medical facility.

13 Q. Have you expressed to her your
14 desire to test, to make sure that you can do
15 pushups, or is that even something y'all
16 discussed?

17 A. It was something she's -- that I've
18 discussed and we've evaluated -- she's
19 evaluated.

20 Q. What has she said about it?

21 A. Just to continue trying to
22 strengthen it, do hand exercises.

23 Q. Have you done any physical therapy?

24 A. They didn't -- they didn't refer me
25 to do that.

1 Q. When will your next profile occur?

2 A. The one that I'm currently on
3 expires in April, and then I would need to get
4 another doctor's appointment in order to
5 extend that, or if I didn't go in, then it
6 would just -- then I would be required to do
7 pushups.

8 Q. How long can it be extended, to your
9 knowledge?

10 A. It can be extended for any amount of
11 time that they feel you are unable to do your
12 physical activity, but anything over that
13 amount of time, then you're possibly going to
14 be medically discharged.

15 Q. Has anybody mentioned to you that
16 you're being considered for med boarding?

17 A. Not at this time.

18 Q. Other than not being able to do the
19 required pushups, is there anything else you
20 can't do since this incident?

21 A. No, sir.

22 Q. Other than the deployment we've
23 already talked about, have you ever been
24 deployed anywhere else?

25 A. No, sir.

1 Q. Do you have any children?

2 A. No.

3 Q. Does your wife have any children
4 from any prior engagement or marriage?

5 A. No, sir.

6 Q. Relationship?

7 A. No.

8 Q. Has your wife -- before this
9 incident, was she ever pregnant before?

10 A. No, sir.

11 Q. Have you ever had a girlfriend who
12 got pregnant?

13 A. Yes, sir.

14 Q. When was that?

15 A. That was in April of 2010.

16 Q. That was a different person than
17 Alyssa?

18 A. Yes.

19 Q. What was the end result of that?

20 A. She miscarried, but I don't know the
21 details.

22 Q. How far along was she?

23 A. Approximately six to eight weeks.

24 Q. Do you know why she miscarried?

25 A. No, sir.

1 Q. She wasn't involved in any injury or
2 anything, was she?

3 A. No, sir. I believe it had something
4 to do with a thyroid disease, but I'm not
5 sure.

6 Q. Do you have any relatives who live
7 in South Mississippi?

8 A. Not that I know of.

9 Q. Have you ever had any other injuries
10 other than the injuries we're gonna talk about
11 after this incident? Have you ever had any
12 medical conditions?

13 A. No, sir.

14 Q. Never been injured in any accidents
15 or anything like that?

16 A. No, sir.

17 Q. Have you ever injured your right or
18 left wrist before this incident?

19 A. Yes, sir.

20 Q. Where was that?

21 A. It was in Le Roy, Michigan.

22 Q. What happened?

23 A. I fell on it.

24 Q. During the course of what?

25 A. We were like doing some MMA-type

1 like grappling.

2 Q. Is that something you've done a lot
3 in your life?

4 A. No, sir.

5 Q. What inspired that episode?

6 A. We had just seen it on TV, so...

7 Q. Who was with you?

8 A. Derek Syers.

9 Q. Is that a friend of yours from home?

10 A. Yes, sir. He's deceased.

11 Q. S-I --

12 A. S-Y-E-R-S.

13 Q. How did Mr. Syers die?

14 A. Suicide.

15 Q. When was that?

16 A. That was in 2012 or 2013. I can't
17 remember.

18 Q. Can you explain if you actually lost
19 any wages after this incident?

20 A. I was scheduled to deploy in July of
21 2012, but because of the injury, I was unable
22 to deploy, so -- in a deployed environment,
23 you have tax incentives and hazard duty pay,
24 family separation pay. So all that extra pay
25 would have been something that I would

1 received but did not because I was unable to
2 go.

3 Q. How often do you deploy? How often
4 would that opportunity be presented to you?

5 A. You can deploy up to as much as
6 every six months. Six months home, six months
7 gone. It's usually about a year in between.

8 Q. How many times have you gone since
9 this incident?

10 A. Once.

11 Q. Is it your position that you would
12 have gone more than once?

13 A. Yes. I would have gone one more
14 time.

15 Q. Are you gonna go again?

16 A. If they need me to.

17 Q. Have you requested deployment?

18 A. No, sir.

19 Q. Why not?

20 A. You're in a window of deployment
21 opportunity. So they select you from a
22 bucket, per se. So once you're in your
23 bucket, you're either slotted to go or you're
24 not. There's not really a volunteer
25 opportunity unless somebody is unable to go

1 and they need somebody to go right away, and
2 then you can volunteer, but that hasn't been
3 the case.

4 Q. So the one time you went, that kind
5 of satisfied your opportunity, didn't it?

6 A. Well, I was slotted to go within my
7 window. It's a three-month window. So if a
8 position for my rank and my duty title became
9 available -- so they pick you from a list, and
10 then you go. So if it comes up again in a
11 year and they need somebody and it's my time
12 to go, then they'll pick me from the list
13 again.

14 Q. So this happened at the end of '11.
15 You went in, what, '12?

16 A. I went in '13.

17 Q. '13. So --

18 A. I was supposed to go in '11, and
19 then I went -- I was slotted again for '13.
20 So I would've went in '11, then I would have
21 came back, and then I would've went again.

22 Q. You're positive you were going
23 twice?

24 MR. BELLINDER: Object to the form.

25 A. It's not for certain, but...

1 MR. STEWART:

2 Q. Did you have to have a physical
3 before you deployed?

4 A. Yes, sir.

5 Q. Did you pass that physical?

6 A. Yes, sir.

7 Q. Did that involve pushups?

8 A. They had wavered it at that time, so
9 they allowed me to go.

10 Q. What does that mean?

11 A. They still allowed me to go without
12 -- I had a passing physical training test,
13 just -- they exempted me from pushups at that
14 time, so I was still able to go.

15 Q. I'm assuming you didn't have any
16 trouble with pushups before this incident,
17 right?

18 A. No, sir.

19 Q. How many could you do before this?
20 Was it timed?

21 A. Yes. You have to do as many -- as
22 many as you can in one minute, and I believe
23 on my first PT test I did 40. The requirement
24 is -- the minimum requirement is 33.

25 Q. And when you try now, how many can

1 you do?

2 A. Approximately 20 or less.

3 Q. How often do you try?

4 A. Probably two or three times a week
5 to try to strengthen the hand.

6 Q. You've never made a claim for
7 disability in the military, have you?

8 A. No, sir.

9 Q. Before this incident, did you ever
10 go to any casino or lounges?

11 A. Yes, sir.

12 Q. Where did you go?

13 A. Turtle Creek.

14 Q. Where is that?

15 A. It's in Williamsburg, Michigan.

16 Q. That's a casino?

17 A. Yes.

18 Q. Did they have a nightclub?

19 A. Yes, but I never went to it.

20 Q. Did you ever go to any nightclubs
21 here on the coast?

22 A. No, sir.

23 Q. Anywhere else?

24 A. No, sir.

25 Q. Had you ever been to the Hard Rock

1 Casino before this incident?

2 A. Yes, sir.

3 Q. How many times?

4 A. Approximately maybe three to five
5 times, but never to The Ledge.

6 Q. You never went to The Ledge?

7 A. No, sir.

8 Q. Before this incident, other than the
9 MMA episode, have you ever been in a fight?

10 A. No, sir.

11 Q. Not ever in your life?

12 A. No, sir.

13 Q. Did you play football or anything?

14 A. Yes, I played football.

15 Q. Did you ever get in a fight on the
16 football field?

17 A. No, sir. Just the normal football
18 physical aspect, but no fights.

19 Q. Did you ever injure your wrist
20 playing football?

21 A. No, sir.

22 Q. Did you ever play any other sports?

23 A. Yes.

24 Q. What other sports?

25 A. Soccer, basketball, baseball.

1 Q. Any sports injuries at all?

2 A. No, sir.

3 Q. Have you ever seen any sort of fight
4 at Hard Rock Casino or in The Ledge before
5 this incident?

6 A. No, sir.

7 Q. Have you been back?

8 A. No, sir.

9 Q. Has any of your training involved
10 defusing arguments so they don't turn into
11 altercations?

12 A. Yes, sir.

13 Q. When were you trained on that?

14 A. Beginning of May 2011 until
15 currently, but -- so from May until -- that
16 time period would be May to November.

17 Q. Is there a text that y'all teach out
18 of, that you learn out of?

19 A. Yes, sir.

20 Q. What is it called?

21 A. It's the Security Forces -- it's
22 like a -- Security Forces Academy, but I'm not
23 exactly sure what the book is.

24 Q. Is there one that's specific to
25 avoiding or defusing arguments?

1 A. I believe it's a chapter.

2 Q. Is there a chapter on use of force?

3 A. Yes, sir.

4 Q. Are you trained in the proper use of
5 force?

6 A. Yes, I am.

7 Q. Have you studied the use of force
8 continuum?

9 A. Yes, but it's been awhile now.

10 Q. Did you study that before this
11 incident?

12 A. Yes, sir.

13 Q. Have you ever gotten into any sort
14 of domestic fight or argument with your wife,
15 your current wife?

16 A. No, sir.

17 Q. Before this incident, were you aware
18 of the possibility that fights can happen in
19 lounges and bars?

20 A. Yes, sir.

21 Q. Do you know why that happens?

22 MR. BELLINDER: Object to the form.

23 A. Yes. Late night tension, alcohol.

24 MR. STEWART:

25 Q. Boys and girls?

1 A. Boys and girls.

2 Q. Was there an ongoing problem with
3 you and any other person at Keesler involved
4 in your security squad --

5 A. No, sir.

6 Q. -- before this incident?

7 A. No.

8 Q. Did you have a problem with a person
9 at Keesler -- I mean from Keesler who was at
10 the Hard Rock on the night of this incident?

11 A. Not that I remember.

12 Q. Do you remember this incident at
13 all?

14 A. No, sir.

15 Q. Not anything?

16 A. Arriving.

17 Q. Okay. What time did you get off
18 work?

19 A. It was approximately 11:00.

20 Q. Where did you go after that?

21 A. I went home.

22 Q. And what did you do there?

23 A. I changed.

24 Q. Where was your home?

25 A. It was in Gulfport.

1 Q. Where was that?

2 A. It was on the Biloxi/Gulfport line.

3 Would you like the address?

4 Q. Please.

5 A. 828 Oakleigh, O-A-K-L-E-I-G-H,
6 Avenue, Gulfport, Mississippi.

7 Q. Is that back behind Subway?

8 A. Yes, it is.

9 Q. You live north of Pass Road?

10 A. It's south towards the bay.

11 Q. Behind the Subway --

12 A. Yes. That's right.

13 Q. -- towards JD?

14 A. Yes, sir.

15 Q. Okay. Did you change clothes there?

16 A. Yes, I did.

17 Q. Did you pick up your wife?

18 A. Yes.

19 Q. And she was already home, or did you
20 have to wait for her?

21 A. She was home.

22 Q. And what time did y'all leave your
23 house?

24 A. I don't remember. I don't remember
25 the time.

1 Q. Okay. Do you know what time you got
2 to the Hard Rock?

3 A. I don't remember.

4 Q. Did you stay around the house for a
5 little while, eat dinner or anything like
6 that?

7 A. I think we left fairly quickly.

8 Q. Had you eaten dinner the day of this
9 incident before you went?

10 A. I can't remember.

11 Q. Did you eat anything at the Hard
12 Rock?

13 A. No, sir, not that I -- I don't think
14 so.

15 Q. Whatever time you got there, you and
16 your wife both got to the Hard Rock --

17 A. Yes, sir.

18 Q. -- where did y'all go at the Hard
19 Rock?

20 A. What's that?

21 Q. Where did you go once you got to the
22 Hard Rock property?

23 A. Then we went to The Ledge.

24 Q. You went straight into The Ledge?

25 A. Yes, sir.

1 Q. Do you recall going past security at
2 the front entrance to The Ledge?

3 A. Yes, I do.

4 Q. How many security people were there?

5 A. I remember two working the ID stand
6 and then just various...

7 Q. Do you recall seeing others inside?

8 A. Yes.

9 Q. Did they have blue uniforms, blue
10 shirts?

11 A. It's like a -- it's either blue or
12 purple.

13 Q. It's kind of a dark blue, lighter
14 than your shirt you have on today --

15 A. Yes, sir.

16 Q. -- but like a blueish --

17 A. Yes, sir.

18 Q. You recognized them to be security
19 personnel, correct?

20 A. Yes, sir.

21 Q. They're marked as security?

22 A. Yes.

23 Q. They had a little badge, insignia
24 badge, do you remember seeing that?

25 A. I don't remember seeing it, but I

1 would assume so.

2 Q. Okay. There were -- so you saw
3 several. You saw two, and there were some
4 inside, also, inside The Ledge?

5 A. I don't remember any in The Ledge.
6 I just remember seeing them just walking
7 around the...

8 Q. The property?

9 A. Yes, sir. And then at the entrance.
10 At the bottom of the stairs to The Ledge, I
11 remember somebody checking IDs, I believe, but
12 I don't remember any security guards upstairs.

13 Q. Do you recall it being the top of
14 the stairs or the bottom of the stairs?

15 A. I don't recall for sure. I believe
16 it was at the bottom.

17 Q. What did you do once you got there?

18 A. I believe I made contact with like
19 the flight members that were there.

20 Q. Okay. Before I forget, did you know
21 your wife was pregnant at that time?

22 A. I did not.

23 Q. Did your wife know she was pregnant?

24 A. No, she didn't.

25 Q. Had she ever told you that she

1 suspected that she was pregnant?

2 A. No, sir.

3 Q. Okay. Did you drink alcohol that
4 night?

5 A. Yes, sir.

6 Q. How many drinks did you have?

7 A. I can't remember.

8 Q. Do you have any idea?

9 A. I have no idea.

10 Q. Whatever drinks you did drink, that
11 was your decision to have it, correct?

12 A. Yes, sir.

13 Q. No one forced you or made you drink,
14 did they?

15 A. That's right.

16 Q. Did your wife drink alcohol that
17 night?

18 A. Not that I know of.

19 Q. Not any?

20 A. No, sir.

21 Q. Does your wife drink at all?

22 A. Rarely.

23 Q. Rarely?

24 A. Yes, sir.

25 Q. Are there any -- do y'all have

1 Facebook?

2 A. Yes, sir.

3 Q. Are there any pictures out there
4 that show y'all with alcohol in your hands in
5 those Facebook pictures?

6 A. I believe so.

7 Q. A lot of Facebook pictures with
8 alcohol in them?

9 MR. BELLINDER: Object to the form.

10 A. I'm not sure, sir.

11 MR. STEWART:

12 Q. Okay. Do you know if your wife was
13 abstaining from drinking for any particular
14 reason around the time and up to this
15 incident?

16 A. She was the driver.

17 Q. She was designated that night?

18 A. Yes, sir.

19 Q. This was your function, right?

20 A. That's right.

21 Q. She was gonna drive you home?

22 A. That's right.

23 Q. Your wife has had some injuries in
24 the past, a bad car wreck a long time ago?

25 A. Yes, sir.

1 Q. Did she have any pain problems
2 continuing because of that?

3 A. Nothing significant. Occasionally.

4 Q. Did she ever take aspirin, Motrin,
5 Ibuprofen?

6 A. She doesn't take anything.

7 Q. No pain medications at all?

8 A. No, sir.

9 Q. Not even over-the-counters?

10 A. No.

11 Q. Does she take aspirin for headaches?

12 A. I'm not sure.

13 Q. Okay. She didn't take any regular
14 medications before this incident?

15 A. No, sir.

16 Q. At what point do we have no memory?
17 You've gotten to The Ledge. You recall
18 ingesting some alcohol. You don't recall
19 what. What's the last thing you remember?

20 A. I just remember socializing. The
21 last thing I remember was having a great time,
22 laughing and dancing. I was introducing my
23 wife to some of the people that I worked with.
24 I was brand new there, so it's kind of a -- I
25 didn't really know anyone. It was kind of an

1 indoctrination, get to know everybody outside
2 of work kind of a function.

3 Q. Can you remember as we're sitting
4 here today who all was there, that you can
5 recall?

6 A. The only people I knew, Sergeant
7 Miller, he was the one that kind of put it all
8 together.

9 Q. What's his first name?

10 A. Joshua.

11 Q. Is he still at Keesler?

12 A. No, sir. He is no longer in the
13 military.

14 Q. Where is he now?

15 A. I'm not sure.

16 Q. Do you know where he's from?

17 A. I don't know.

18 Q. Do you remember anyone else who was
19 present besides you and your wife?

20 A. Chris Soukup.

21 Q. Anyone else?

22 A. His wife, Kayla Soukup.

23 Q. Anyone else?

24 A. Al Nicholson, Shawn Hargraves.

25 Q. Do you recall these because they

1 were said in the deposition before, or do you
2 specifically --

3 A. I do remember them. And then
4 Courtney -- it was Courtney Nicholson at the
5 time, but it's Courtney Drain.

6 Q. Courtney Nicholson, is that Al's
7 ex-wife?

8 A. Yes.

9 Q. What is it now?

10 A. Drain.

11 Q. D --

12 A. D-R-A-I-N.

13 Q. Where is she?

14 A. I believe she's at Keesler, but
15 she's leaving soon. She's changing stations.

16 Q. She's in the military?

17 A. Yes.

18 Q. So husband and wife were both in the
19 military married?

20 A. That's right.

21 Q. And then they got divorced?

22 A. Yes.

23 Q. And he's -- Al is where?

24 A. I believe he's deployed right now,
25 but I'm not sure where.

1 Q. What about Shawn?

2 A. He's here. He's at Keesler.

3 Q. Active duty?

4 A. Yes.

5 Q. Do you still see him?

6 A. No.

7 Q. Is he in a different flight or squad
8 or squadron?

9 A. He is -- I have like a specialized
10 job there, so I don't really see anybody that
11 normally comes and goes from the squadron
12 because I'm kind of excluded in the jail area,
13 so I'm not exactly sure where anybody works.

14 Q. Anyone else you can recall who was
15 present?

16 A. Well, I only know Dorack was there
17 because of the video.

18 Q. We'll talk about him in just a
19 second. I gave you the opportunity in the --

20 A. Sergeant Reimer, he was there.

21 Q. I'm sorry?

22 A. Sorry to interrupt. Sergeant
Reimer, I remember he was there.

23 Q. I handed you the exhibits from Mr.
24 Soukup's deposition, and you had a chance to

1 look over those?

2 A. Yes, sir.

3 Q. Do you need to look at them again to
4 tell me whether you can identify any of the
5 people depicted in those photos?

6 A. I mentioned everybody that I
7 recognized from the photos.

8 Q. Okay. And you indicated that you've
9 seen the video that shows Dorack?

10 A. That's right.

11 Q. Do you know who Dorack is now?

12 A. I've seen him around the squadron,
13 but I don't know him on any level. I've
14 never --

15 Q. You've never had any conversation
16 with him since this incident whatsoever?

17 A. No, sir.

18 Q. You never said, hey, sorry about the
19 other night or let's talk about the other
20 night or anything like that?

21 A. Never brought it up.

22 Q. Okay. Do you know his first name?

23 A. I believe it's Wes, but I don't know
24 if it's Wesley or anything other than that.

25 Q. Is he still at Keesler?

1 A. I believe he is -- according to a
2 list I've seen, I believe that he's on a team
3 that's about to leave to go overseas.

4 Q. To go where?

5 A. I'm not sure.

6 Q. When do they leave?

7 A. They're in training to leave right
8 now, so within the next couple of weeks.

9 Q. Do you recall any of your
10 interactions with Airman Dorack?

11 A. I do not.

12 Q. As we sit here right now, can you
13 testify under oath that you were assaulted by
14 him in any way, shape or form?

15 A. Not that I can remember.

16 Q. Having watched the video, did you
17 see any evidence that he assaulted you?

18 A. It appeared that way.

19 Q. You saw him coming at you?

20 A. Yes, sir.

21 Q. Okay. Where did you see that in
22 terms of the location that you saw on the
23 video?

24 A. I believe -- it looks like he comes
25 out of the bathroom, and I'm standing adjacent

1 to the bar, and he approaches me from there,
2 but there's sort of a group of people between
3 us.

4 Q. What do you see on the video in
5 terms of what he does?

6 A. Just looks like he's kind of just
7 staring at me in a provoking manner, making
8 hand gestures.

9 Q. Did you see him strike you?

10 A. No, sir.

11 Q. Make any physical contact with you
12 at all?

13 A. Not that I'd seen.

14 Q. Did you make any physical contact
15 with him?

16 A. I don't believe so.

17 Q. Did you strike him?

18 A. No, sir.

19 Q. And this is all just based on the
20 video, you have absolutely no memory of the
21 events?

22 A. I have no recollection.

23 Q. From that time that you remember
24 having a good time and socializing --

25 A. That's right.

1 Q. -- from that time forward, do you
2 have any memory whatsoever of this evening?

3 A. As I'm getting taken down the
4 stairs, I can remember -- I remember brief
5 like flashes of sort of like a flight -- fight
6 or flight, where I just wanted -- I wasn't
7 sure why everybody was on me, so I wanted to
8 get everybody -- just everybody stop. Then I
9 remember being in pain from the handcuffs and
10 being dragged, so I was -- I can remember
11 yelling "stop" or saying "no" to try to just
12 -- I wanted the action to stop because I
13 didn't understand what was going on, but it
14 was only flashes of that. I can't remember
15 any specific details.

16 Q. Do you own a bayonet?

17 A. No, sir.

18 Q. Have you ever had a bayonet?

19 A. No, sir.

20 Q. Have you ever possessed a bayonet?

21 A. No, sir.

22 Q. Do you recall telling any of the
23 security people at Hard Rock that if you had a
24 bayonet, you could cut their head off with
25 expletives in the middle of that?

1 A. No, sir.

2 Q. Did you curse loudly at Hard Rock,
3 curse at all at Hard Rock?

4 A. I don't remember.

5 Q. Is it possible given the
6 circumstances that you cursed a lot at Hard
7 Rock?

8 A. Possibly.

9 Q. Did you punch anyone at Hard Rock?

10 A. Not that I know of.

11 Q. Have you looked at the video to see
12 -- to ascertain whether you struck anyone?

13 A. Yes.

14 Q. You didn't see any evidence that you
15 struck anyone?

16 A. Yes.

17 Q. You did not or you did see --

18 A. I did.

19 Q. You saw evidence of who?

20 A. Of Alyssa --

21 Q. Okay.

22 A. -- on accident. I believe that she
23 was -- I didn't know who she -- maybe I didn't
24 know who she was at the time of what was going
25 on. So I believe that due to the

1 circumstances of being provoked and kind of
2 handled by security guards when I believed I
3 didn't do anything wrong, that I thought maybe
4 she was a security guard, and I was trying to
5 get myself free from everybody that was around
6 me.

7 Q. And you struck her in the face?

8 A. Yes.

9 Q. How many times did you swing at her?

10 A. I believe once, but I'm not sure.

11 Q. Did she get struck by anyone else
12 that night?

13 A. I don't believe so.

14 Q. Did she get struck at any other
15 time?

16 A. I'm not sure.

17 Q. Did you see any evidence that you
18 pulled her to the ground?

19 A. I think we fell to the ground. I
20 don't think I pulled her intentionally to the
21 ground.

22 Q. Why did you fall?

23 A. I believe because of intoxication, I
24 just lost my footing.

25 Q. Okay. Not because of anything on

1 the floor, you just were drunk, fell down?

2 A. Not that I know of. I don't know if
3 there was anything on the floor or not.

4 Q. And Hard Rock personnel were not the
5 first people that tried to control you, were
6 they?

7 A. No.

8 Q. Did you consider any of the efforts
9 to control you by Hard Rock something that
10 caused provocation to you?

11 A. I believe everybody was probably
12 slightly intoxicated, and I just wanted
13 everybody to -- I would be fine if everyone
14 would just back off and let me just be, and I
15 believe they provoked me by just continuing to
16 grab me or try to get me to do something when
17 I didn't believe I was doing anything in the
18 first place, so...

19 Q. That's what you thought at the time.
20 Is that what you think now?

21 A. That's what I believe. I would
22 think given my way of thinking now of how I
23 would have possibly thought in the moment.

24 Q. Looking at it after the fact, how do
25 you feel about it?

1 A. Well, given the circumstances, I
2 wish I would have just -- everything would
3 have just dissolved and been calm and would've
4 went on our ways.

5 Q. For example, if someone would've
6 brought you a wheelchair, you wish you
7 would've gotten in the wheelchair and taken a
8 ride home?

9 A. Yes.

10 Q. Was that opportunity presented to
11 you?

12 A. I am unsure.

13 Q. You don't recall that from your
14 actual memories?

15 A. That's right.

16 Q. Having seen the video, do you see a
17 wheelchair brought to the area?

18 A. I see it brought to the area, but I
19 don't see any efforts past that.

20 Q. You don't see any indication over by
21 the column where people were kind of gathered
22 around, and while they go get the wheelchair,
23 they're bringing a wheelchair to get you in
24 it, do you recall seeing that?

25 A. I do, but it looks like it's wheeled

1 up, and then nothing really happens with it.

2 Q. At the time that Soukup is already
3 over by the column, there's a female security
4 officer there, a person. Do you recall that
5 on the video?

6 A. In the video, yes.

7 Q. Just from the video. And this is
8 the episode where I believe you indicated you
9 see evidence you struck your wife?

10 A. Yes.

11 Q. Where did you hit her?

12 MR. BELLINDER: Object to the form.

13 MR. STEWART:

14 Q. What part of her body, if you
15 recall?

16 A. I believe it -- accidentally in the
17 face.

18 Q. Did she ever explain to you why she
19 got down on top of you or close to you?

20 A. I believe that she -- me and her
21 were the closest people to each other, so --
22 everyone else's efforts were obviously
23 failing, so maybe she thought she could talk
24 to me, but at the same time, security was
25 provoking me, so I didn't -- I was unsure of

1 what was happening.

2 Q. Do you remember that?

3 A. I don't. Just from the video.

4 Q. Okay. You're speculating as to what
5 you were thinking?

6 A. Yes, my way of thinking now of how I
7 think I would have thought during the
8 incident.

9 Q. Did you strike any of your
10 co-workers before that occurred?

11 A. No, sir.

12 Q. Not any?

13 A. No.

14 Q. And the only people involved in
15 trying to -- that you saw on that video trying
16 to control you and bring you -- subdue you
17 were Hard Rock security people up until your
18 wife got involved?

19 A. And Sergeant Reimer.

20 Q. Why was he trying to do that? Do
21 you know?

22 A. Well, he is a police officer,
23 civilian police officer, also, and so I
24 believe that with his training, he was just
25 doing what he would do and try to resolve the

1 situation.

2 Q. To try to keep anybody from getting
3 hurt?

4 A. Yes, sir.

5 Q. Including you?

6 A. Yes.

7 Q. And there were Hard Rock security
8 people engaged along with Sergeant Reimer at
9 the time that your wife felt like she needed
10 to do something, right, when she leaned down?

11 A. I believe so.

12 Q. She didn't feel like those guys
13 could handle it better than her?

14 MR. BELLINDER: Object to the form.

15 A. I believe she could probably tell
16 that I was scared and wasn't sure what was
17 going on, and so she was just trying to help
18 me and let me know that it was all right, and
19 then it was just given the circumstances
20 chaotic and out of control, so...

21 MR. STEWART:

22 Q. Do you recall swinging and striking
23 anyone besides your wife at all?

24 A. No, sir.

25 Q. You haven't seen that anywhere on

1 the video?

2 A. No, sir.

3 Q. Did you see on video how you
4 actually were controlled eventually inside The
5 Ledge?

6 A. Yes, I believe so.

7 Q. What happened?

8 A. I believe I was eventually taken
9 into the foyer area, and then a large security
10 guard sat on me for an extended period of
11 time.

12 Q. How long was that period of time?

13 A. According to the video, I believe
14 it's about between 10 and 15 minutes.

15 Q. Did you ever see anybody tuck your
16 arms under your body?

17 A. Not that I recall.

18 Q. Do you recall -- other than just
19 looking at the video, do you recall that
20 episode, the person was applying pressure to
21 your -- was it on your back side or --

22 A. On my -- I was laying on my stomach,
23 and the individual was on my back.

24 Q. On your back or on your rear end?

25 A. I think it was kind of a combination

1 of my rear end and lower back area.

2 Q. Okay.

3 A. It's hard to tell, and I can't
4 remember.

5 Q. Do you recall your arms being tucked
6 before that?

7 A. I can't recall.

8 Q. Have you ever used the maneuver like
9 that in your pretend MMA career that you tuck
10 the arms under somebody and put the -- or in
11 your police career, frankly, to maintain
12 somebody by tucking their arms and putting a
13 knee on their back side?

14 MR. BELLINDER: Object to the form.

15 A. It just depends on -- depends on the
16 individual that perceives a threat for them,
17 but if you -- if you leave their arms under
18 their body, you can easily bring them out or
19 -- the best way would be to get their hands
20 secured behind their back.

21 MR. STEWART:

22 Q. But you can do it by tucking if
23 you've got enough -- if you had the ability to
24 do that physically?

25 A. If you're -- you have to be a lot

1 bigger than them, but, yes.

2 Q. Was the person you saw in the video
3 substantially larger than you?

4 A. Yes, sir.

5 Q. You indicated that happened -- that
6 you stayed in that position for a long period
7 of time. Do you recall how long it was?

8 A. I believe it was between 10 and 15
9 minutes.

10 Q. You were on the floor in the foyer
11 of The Ledge for 10 to 15 minutes?

12 A. As I -- I believe so, according to
13 the video, but I'm not sure. I don't
14 remember.

15 Q. So you're not sure about that
16 answer?

17 A. That's right.

18 Q. It's just a matter of -- whatever
19 the video shows is accurate, right?

20 A. That's right.

21 Q. Did you have any other -- other than
22 the initial episode that you see Dorack come
23 out of the bathroom, going back to that, did
24 you have any other interactions with Dorack
25 that you could see on that video?

1 A. Not that I could see, just -- it's
2 dark, and there's a lot of people, so it's
3 hard to tell. You have to break it down.

4 Q. Was he wearing a light-colored shirt
5 that night or what?

6 A. I don't remember, and I don't
7 remember from the video either.

8 Q. Okay. Can you remember anything
9 about him at all?

10 A. No, sir.

11 Q. Do you remember his skin color?

12 A. Caucasian. He's white.

13 Q. What does he look like? You've seen
14 him since then, right?

15 A. Probably about six foot, brown hair,
16 average build, maybe 160, 170 pounds, no
17 identifying marks that I could see.

18 Q. Other than the one episode where
19 y'all kind of verbally engaged each other --
20 is that correct? Is that an accurate
21 description?

22 A. Yes, sir.

23 Q. No physical contact, or did you make
24 contact with him that you know?

25 A. I don't believe so. Not that I

1 seen. I don't remember.

2 Q. Did some of your people in your
3 group try to move you away from the area?

4 A. I believe so. I think at that time
5 I feel down. It looks like -- I think I
6 remember seeing in the video that I had
7 tripped and fell.

8 Q. With your wife?

9 A. That's right.

10 Q. Okay. Then you get up?

11 A. Yes, sir.

12 Q. At that point, did you make an
13 effort to go back toward Dorack, or did you go
14 -- did you try to leave and go home?

15 A. I can't remember.

16 Q. Did people try to move you away from
17 the area? Do you recall that?

18 A. I don't remember.

19 Q. Do you recall seeing that on the
20 video?

21 A. I can't -- I'm not exactly sure what
22 happened even in the video at this point.

23 Q. If the video shows you trying to
24 turn and go back toward him, would that
25 surprise you?

A. It may be that way.

Q. Okay. To your knowledge, did you have any additional interaction with him?

A. Not that I know of.

Q. Okay. Do you know what his duty assignment is?

A. I believe he's a -- he was a flight armer, so he worked in the -- he was in charge of issuing weapons before and after shift.

MR. STEWART: In regards to scheduling -- this can be off the record.

- - -

(Off the record.)

MR. STEWART:

Q. Jason, do you know if there's any indication that Hard Rock had any knowledge that the initial exchange between you and Airman Dorack was about to happen?

A. I don't believe so.

Q. Is there -- do you know if Airman Dorack has ever had any problems at the Hard Rock in the past?

A. Not that I know of.

Q. Have you ever had any such problems?

A No, sir

1 Q. Did you attempt to bring any sort of
2 criminal charges against Airman Dorack?

3 A. No, sir.

4 Q. Did you -- were you involved in any
5 investigation with regard to him?

6 A. No, sir.

7 Q. Do you know if there was such an
8 investigation?

9 A. I don't know.

10 Q. Do you know if he had any discipline
11 as a result of this incident?

12 A. I don't believe so.

13 Q. Do you know -- is it fair to say
14 that he was in the Keesler security squadron,
15 for lack -- am I saying that right? He was?
16 Yes?

17 A. What's that?

18 Q. Was he in your squadron?

19 A. Yes, sir. The squadron is the
20 overall -- everybody is a part of the
21 squadron, and it's broken down into individual
22 flights. The flights are like the shifts.

23 Q. Okay. So he was in your two or
24 three hundred people squadron?

25 A. That's right. Yes.

1 Q. In a different flight?

2 A. Yes, sir.

3 Q. Mid shift?

4 A. That's right.

5 Q. Aside from the security personnel
6 you've identified, was there anyone else in
7 The Ledge that you're aware of that you know
8 that night?

9 A. Charlie Wright. I remember him
10 being there, but I don't -- I don't even
11 remember talking to him or anything
12 significant around -- during this --

13 Q. Charlie Wright?

14 A. Charles or Charlie Wright.

15 Q. Who was he?

16 A. He was just a member of my flight.

17 Q. So he was also there in response to
18 this group, this party?

19 A. Yes, sir.

20 Q. Is it fair to say that everybody
21 that was involved in this initial
22 confrontation between you and Dorack, their
23 response to that, up to the point that Hard
24 Rock security entered The Ledge to respond to
25 it was a member of your Air Force group?

1 A. Yes, sir.

2 Q. Okay. There were no outside people,
3 no unexpected people got involved?

4 A. No, sir, not that I know of.

5 Q. Did your wife have any marks on her
6 after this incident?

7 A. No, sir.

8 Q. She didn't have a bruise on her face
9 or anything like that?

10 A. No, sir.

11 Q. What about you, did you have any
12 visible injuries or marks?

13 A. Yes, I did.

14 Q. Where was that?

15 A. I had a -- I'm unsure of the word
16 for it, but around my neck, where it looks
17 like somebody had put their hands around your
18 neck, like bruising. I had two black eyes.

19 The bridge of my nose was black and blue and
20 swollen. I had a taser burn on my back from
21 getting drive stunned. My ear was bruised.

22 It appeared that my tooth had almost went
23 through my bottom lip. I had severe
24 lacerations in the inside of my mouth. And
25 just overall general -- around my wrists where

1 the handcuffs were, were cut. There was marks
2 that were there for a while. My hands were
3 numb. There was a spot on my head that was
4 numb. Bruising all through my hair. It was
5 just overall -- my whole face and neck and
6 upper body area was covered in bruises.

7 Q. Did you have any stitches in your
8 mouth?

9 A. No, sir.

10 Q. As we sit here now, do you have any
11 memory of where any particular injury that you
12 described at what point was incurred?

13 A. I do not.

14 Q. Having watched the video, do you
15 have any specific memory of when the
16 particular injuries that you described
17 occurred, or do you have any -- do you
18 visualize -- I say do you have any memory. Do
19 you see -- without guessing, do you see
20 specifically where things occurred on that
21 video?

22 A. I believe perhaps when I was being
23 carried out, it looked like I might have been
24 a little heavy for them, so they would let me
25 go in not such a nice fashion.

1 Q. Carried out from where?

2 A. Through the casino by Biloxi PD. So
3 in the area from The Ledge out to the valet.

4 Q. Do you see any other injuries -- any
5 other things on that film that you believe you
6 can specifically tie a specific injury that
7 you described?

8 A. Not specifically. I don't know.

9 Q. Has anyone else told you that they
10 saw any particular thing happen to you that
11 you tie to an injury?

12 A. No, sir.

13 MR. BELLINDER: Object to the form.

14 MR. STEWART:

15 Q. By that I mean the injuries you've
16 described?

17 A. Right. No.

18 Q. Have you been back to the Hard Rock
19 at all?

20 A. No, sir.

21 Q. Were you taking any medicine on the
22 date of this incident before the incident?

23 A. No, sir.

24 Q. Nothing at all?

25 A. Nothing.

1 Q. Have you been drinking at all since
2 this incident?

3 A. What's that?

4 Q. Have you been drinking at all since
5 this incident, alcoholic beverages?

6 A. Have I had any since then?

7 Q. Have you continued to drink alcohol
8 since then?

9 A. Yes, sir.

10 Q. How often do you drink now?

11 A. Just occasionally.

12 Q. Has anything about this incident
13 affected your thought process on drinking and
14 how much you drink?

15 A. Yes, sir. I went to ADAPT, which is
16 like the Air Force version of like a AA of
17 sorts. I was mandated to go there.

18 Q. What's it called?

19 A. It's called ADAPT, A-D-A-P-T. It
20 was mandated that I go there.

21 Q. As part of your punishment?

22 A. That's right.

23 Q. Was there anything besides the hours
24 of work and this mandate that happened as a
25 result of this incident as punishment,

1 discipline?

2 A. Not that I can -- I don't think so.

3 Q. Did they explain to you why you had
4 to go to ADAPT?

5 A. Anytime anyone is involved in an
6 alcohol-related incident it's mandatory.

7 Q. It's mandatory?

8 A. That's right.

9 Q. Did you get a piece of paper that
10 said this is your requirement as a result of
11 this incident?

12 A. I believe it's stored in my -- maybe
13 my military file, but I never received it
14 personally.

15 Q. You saw earlier today there was an
16 investigative report that we were talking
17 about with regard to Mr. Soukup?

18 A. That's right.

19 Q. Do you have a similar investigative
20 report that was done about you in regards to
21 this incident?

22 A. Yes, sir, by my area defense
23 counsel.

24 Q. Who was that?

25 A. Captain Cromwell, C-R-O-M-W-E-L-L, I

1 believe.

2 Q. And where is Captain Cromwell?

3 A. I am unsure if he's still at Keesler
4 or not. He was my defense for my punishment
5 proceedings only during that time.

6 Q. He was assigned by the military to
7 defend you?

8 A. That's right. I believe he wrote a
9 report of his findings.

10 Q. Okay. Do you know if that's been
11 submitted to your personnel file or some other
12 place?

13 A. I believe so, but I don't know.

14 Q. Do you know if there was an actual
15 adjudication or the explanation of the facts
16 that was documented in an investigative report
17 at some point?

18 A. I'm not sure.

19 Q. Okay. Does your wife drink now?

20 A. Rarely.

21 Q. Occasionally?

22 A. Every now and then.

23 Q. What were you drinking on the night
24 of this incident?

25 A. I think it was -- I remember having

1 beer and whiskey, but I can't remember
2 specifics. I don't know.

3 Q. Beer, you'd have a drink and then
4 another drink?

5 A. What's that?

6 Q. You would have -- you had a beer,
7 and you recall at least one whiskey drink?

8 A. Yes.

9 Q. Do you remember anything else?

10 A. Not specifically.

11 Q. Okay. How were you paying for
12 those?

13 A. I believe I took cash out, so I was
14 paying with cash so I didn't have to use my
15 debit card every time.

16 Q. Did anybody buy drinks for you?

17 A. Yes, but I can't remember who or
18 what -- who bought them or what they were.

19 Q. People in your group?

20 A. That's right, because I was the
21 brand-new guy, so...

22 Q. Did Soukup buy you any drinks?

23 A. I don't believe so, but I'm not
24 sure.

25 Q. Do you recall anyone approaching you

1 and telling you to stop drinking so much?

2 A. I don't remember.

3 Q. Do you recall talking to the female
4 that Soukup described who he sent over there
5 to tell you to take it easy on your drinks and
6 to put your money away?

7 A. No, sir.

8 Q. You don't recall that at all?

9 A. Not at all.

10 Q. Have you seen that on the video?

11 A. No, sir.

12 Q. Do you recall speaking to any of the
13 security employees at the Hard Rock?

14 A. Maybe greeting them when I went in,
15 but not specifically.

16 Q. After that, you have no memory of
17 any of it?

18 A. That's right.

19 Q. What sort of medical treatment did
20 you get after this incident?

21 A. I had a -- just reviewed and
22 documented all my injuries. I had right wrist
23 surgery for a navicular fracture. They took a
24 -- they did a bone graft, took some bone out
25 of the top of my wrist, put it in where the

1 break was and put four pins in there.

2 Q. Why did they have to do a bone
3 graft?

4 A. I am not sure.

5 Q. Did you have any prior damage to
6 your arm at that location?

7 A. No, sir.

8 Q. You didn't have any necrotic bone
9 that had been there for a long time?

10 A. Not that I know of.

11 Q. What's your first memory after this
12 incident?

13 A. I woke up at about 9:00 -- between
14 9:00 and 10:00 in the morning in jail.

15 Q. Where were you located?

16 A. Harris County in a single cell by
17 myself.

18 Q. Do you know if anyone assessed you
19 medically at the jail?

20 A. I have no idea what happened to me.

21 Q. Before you woke up?

22 A. That's right.

23 Q. What about after you woke up?

24 A. No, no one assessed me after I woke
25 up.

1 Q. How long were you in jail?

2 A. I don't know what time I got there,
3 but I left between 9:00 and 10:00 in the
4 morning.

5 Q. I meant to ask you this: Did you
6 finish your ADAPT program?

7 A. Yes, I did.

8 Q. Did you get a graduation certificate
9 or something that says --

10 A. I believe I got a certificate of
11 completion or some kind of report of mental
12 health findings or --

13 Q. That's in your file?

14 A. I believe so.

15 Q. Mental health findings?

16 A. It's like a -- not mental health but
17 their -- I guess -- I don't know the -- their
18 discovery or their --

19 Q. Assessment?

20 A. -- assessment of their findings with
21 my dependency for alcohol.

22 Q. Is that something you still have in
23 your possession?

24 A. I don't believe so. I believe it
25 would be in my file. I don't think I ever got

1 anything handed to me.

2 Q. Did you request medical care at the
3 jail?

4 A. Not once I woke up, but I don't know
5 if I did during the night or not.

6 Q. Do you know if you woke up during
7 the night?

8 A. I don't know.

9 Q. I'm asking from your memory. I'm
10 not asking you to suppose or guess. When you
11 were awake, did you ask for any medical
12 assistance?

13 A. No, sir. I was mostly concerned
14 that I had no idea why I was there, and I
15 wanted to -- I didn't know where my wife was.
16 I wasn't concerned about any of my injuries at
17 that point. I was concerned about assessing
18 the situation in general.

19 Q. All right. Before you went out that
20 night, you put on your own clothes, right?

21 A. That's right.

22 Q. Did you put on underwear?

23 A. Yes.

24 Q. Did you have underwear on during
25 this entire incident?

1 A. Yes, I did.

2 Q. Okay.

3 MR. BELLINDER: I'm going to object
4 to the form on that last one, to the extent
5 that's inconsistent with anything on the...

6 MR. STEWART:

7 Q. You've seen the video, right?

8 A. Yes, sir.

9 Q. Would you agree you didn't have your
10 underwear on the whole time after this
11 incident?

12 A. I believe they were on, but I think
13 they came down.

14 Q. Not in the same location, but your
15 memory is you had it on, it was just down your
16 pants or something?

17 A. Yeah. That's right.

18 Q. Okay. Have you sought any sort of
19 psychiatric care since this incident?

20 A. No, sir.

21 Q. Other than the treatment for your --
22 it was your right wrist?

23 A. That's right.

24 Q. Did you receive any other type of
25 surgery or recommendation with regard to any

1 procedures?

2 A. I had multiple x-rays, MRIs, CT
3 scans for my shoulders and my head. They were
4 monitoring for nerve damage, but the feeling
5 ended upcoming back eventually.

6 Q. What feeling are you talking about?

7 A. I had numbness in both my hands and
8 a spot on top of my head that was numb.

9 Q. Did they tell you why -- did they
10 ever discern why that happened?

11 A. I believe they put it in words that
12 I didn't understand so much, but it's in a
13 report.

14 Q. What part of your body did they say
15 they were concerned with? Your hand, your
16 arms, your head, your neck?

17 A. They were concerned with like a --
18 perhaps a concussion or some nerve damage in
19 my hands, obviously the broken bone.

20 Q. How long until the numbness went
21 away?

22 A. It was about six months.

23 Q. And was that after the last -- you
24 had two surgeries or one?

25 A. I had two.

1 Q. Okay. The numbness went away after
2 the last surgery?

3 A. It was in between the surgeries.

4 Q. Between. Okay. When was the last
5 surgery?

6 A. I believe it was the fall of 2012.
7 I can't remember the exact date.

8 Q. Did anyone tell you that you needed
9 any additional medical treatment after that?

10 A. I don't believe so. Just as far as
11 keeping -- followed up with the pushups, but
12 nothing significant past that.

13 Q. Has anyone ever told you how much it
14 cost to get this medical care?

15 A. No, sir.

16 Q. Have you ever seen any EOBs or
17 bills?

18 A. I have seen some, but I never added
19 it up.

20 Q. Do you still have those?

21 A. I don't believe all of them, but
22 some of them.

23 MR. STEWART: Same request that Tere
24 made. I know you're working on it.

25 MR. BELLINDER: Yeah. If you can

1 get those to us, whatever you have, if
2 anything.

3 MR. STEWART:

4 Q. Have you -- and I'm sorry if I asked
5 this already. Have you quantified whether you
6 actually lost any wages as a result of this
7 incident?

8 A. Just as far as not being able to go
9 on the deployment that I was scheduled to go
10 on.

11 Q. But you were able to go to your
12 regular job, and you got paid for that?

13 A. Well, I was present for duty, but I
14 wasn't able to perform my actual job.

15 Q. You didn't get paid for the 42 hours
16 of discipline, did you?

17 A. Yes, I did.

18 Q. You got paid to do that?

19 A. Yes. And I was also on a suspended
20 bus, which means if you get in trouble again,
21 even a minor infraction, then you lose -- it
22 would be called losing a stripe, so you'd lose
23 a rank, a pay grade, but I had no further
24 discipline issues, so after that period was
25 over, I believe it was six months, then --

1 Q. They call it a bus?

2 A. Yes. I don't know what it means.

3 Q. And you didn't have any problems in
4 that six months?

5 A. That's right. No problems.

6 Q. Have you had any since?

7 A. No, sir.

8 Q. You wouldn't be Airman of the
9 Quarter if you had problems, would you?

10 A. I wouldn't assume so.

11 Q. Have you had any kind of accident or
12 injury since this incident occurred?

13 A. No, sir.

14 Q. Do you recall going to Keesler
15 emergency services two days after this
16 incident?

17 A. Yes, I do.

18 Q. At that point, did you attribute any
19 of your injuries to Airman Dorack?

20 A. Not at that time. I still didn't
21 know what had happened. I hadn't seen the
22 video.

23 Q. Did Airman Dorack touch you?

24 A. He never -- no. No, sir.

25 Q. He didn't cause any injury to you,

1 did he?

2 A. That's right. No.

3 Q. And other than your observations
4 you've already described, you're not sure how
5 or when those injuries occurred, the injuries
6 you detailed to us, other than --

7 A. I don't know.

8 Q. -- somewhere in the course of the
9 night?

10 A. That's right. I believe at some
11 point being carried out from The Ledge to the
12 police vehicle to -- I don't know what
13 happened after that.

14 Q. Or before, other than what you
15 described in terms of going in?

16 A. That's right.

17 MR. STEWART: Okay. Give me one
18 more second. I may be at the end here.

19 - - -

20 (Off the record.)

21 EXAMINATION

22 BY MS. STEEL:

23 Q. Do you have an associate's degree?

24 A. No.

25 Q. Now, you got -- you were punished as

1 a result of the Hard Rock incident, correct?

2 A. That's right.

3 Q. What did you do that you were
4 punished for?

5 A. I believe the charge was just
6 disorderly conduct, but I am not sure if the
7 -- I don't know if the military has a similar
8 crime that correlates to a civilian crime that
9 is worded differently, but I think that's what
10 it was, something along those lines.

11 Q. So is it your understanding that
12 that -- that drinking had anything to do with
13 this punishment, your level of intoxication?

14 A. It probably had something to do with
15 the influence of the decision.

16 Q. You don't know, though?

17 A. I don't know.

18 Q. Okay. What about the altercation
19 between you and Dorack that involved -- that
20 brought in others as well, was that connected
21 to the punishment you received?

22 A. I don't believe so.

23 Q. And what about the fact that you
24 were uncooperative with both casino security
25 and the police, was that connected to your

1 discipline?

2 MR. BELLINDER: Object to the form.

3 A. I think so.

4 MS. STEEL:

5 Q. You do?

6 A. I'm not sure.

7 Q. Well, what is your understanding of
8 that?

9 A. Will you restate it, please?

10 Q. Well, I'm asking you if your conduct
11 with the police and with Hard Rock Casino
12 security was connected to why you got
13 punished?

14 A. It was really up to my commander, so
15 I'm not sure what his justification was to his
16 thoughts. I can speculate on what he thought,
17 but I'm not sure what --

18 Q. Well, did he ever tell you why you
19 were being punished?

20 A. It was -- they just offer you the
21 Art 15. You were -- you were being tried
22 under Article 92, failure to obey whatever
23 lawful order. Whatever the article was, I'm
24 not sure exactly but -- I lost my train of
25 thought.

1 Q. Were you charged with failure to
2 obey an order?

3 A. No.

4 Q. Do you agree with me that you did
5 not cooperate with Hard Rock Casino security?

6 MR. BELLINDER: Object to the form.

7 A. I'm not sure.

8 MS. STEEL:

9 Q. Why aren't you sure?

10 A. I believe it's the -- just the
11 circumstances surrounding the event, that I
12 didn't believe I had done anything wrong to
13 warrant casino security to be involved with me
14 in the first place. I just wanted everybody
15 to calm -- like everyone be calm, but I think
16 everyone was very provoking up in my personal
17 space, that maybe that's why I felt attacked
18 or --

19 Q. I understand that's how you felt,
20 but that's not what I'm asking.

21 A. Okay.

22 Q. What I'm asking is were you
23 cooperative with Hard Rock Casino security?

24 MR. BELLINDER: Object to the form.

25 A. I don't remember, but according to

1 the video, it looks like no.

2 MS. STEEL:

3 Q. And were you cooperative with the
4 Biloxi police officers who came to the Hard
5 Rock?

6 MR. BELLINDER: Object to the form.

7 A. Again, I don't remember from memory,
8 but according to the video -- in my -- in my
9 experience I was cooperative with them.

10 MS. STEEL:

11 Q. What do you mean in your experience
12 you were cooperative?

13 A. Well, I think their force -- the way
14 they handled the incident was over the top.
15 They had plenty of people to reconcile the
16 situation without...

17 Q. Okay. Let's go to -- you saw the
18 video, correct?

19 A. Yes.

20 Q. Okay. Did you see yourself
21 struggling with the three Biloxi police
22 officers who arrived at the Hard Rock?

23 A. Maybe minimally right when they
24 first arrived, but it's hard to tell in the
25 video.

1 Q. So you were minimally struggling.
2 What did you see yourself doing?

3 A. It's hard to say, but it looks like
4 when the security guard gets off me, that's
5 when the Biloxi police arrive, and it looks
6 like maybe when they try to change custody
7 from the security guard to the police officer,
8 that I might have tried to move around or get
9 away because, again, I didn't believe I had
10 done anything, so --

11 Q. Well, you're a police officer
12 yourself, right?

13 A. That's right.

14 Q. And when a person that you're trying
15 to arrest believes that he hasn't done
16 anything wrong and so he's moving around, do
17 you call that resisting arrest?

18 A. Yes --

19 Q. Okay.

20 A. -- if his arrest is warranted.

21 Q. Okay. Do you know what you were
22 charged with?

23 A. Disorderly conduct, resisting arrest
24 and public intoxication.

25 Q. Well, were you publically drunk?

1 A. Yes.

2 Q. Were you disorderly?

3 A. I believe there was actions that led
4 to being disorderly, so, yes.

5 Q. Okay. And hold on a second.

6 Now, the third charge, I'll get to
7 that. I don't recall it right now.

8 Resisting arrest, you've already
9 told me that you saw yourself struggling with
10 the police officers?

11 A. Yes.

12 Q. You saw how you were carried out of
13 the casino?

14 A. That's right.

15 Q. Do you believe that you would have
16 been carried that way had you gotten up and
17 walked?

18 A. Well, it appeared to me that I was
19 unable to walk and wasn't really given the
20 opportunity because I was being dragged.

21 Q. You were given the opportunity; were
22 you not?

23 A. Well, I attempted to stand up, and
24 then at that time is when my -- they just kind
25 of took off walking, and my pants were pulled

1 down.

2 Q. Could you walk?

3 A. I don't know.

4 Q. Were you physically capable of
5 walking?

6 A. I don't know.

7 Q. Well, had you -- why is it -- tell
8 me this, why is it that you can't remember
9 events that occurred at the Hard Rock?

10 A. Because I was intoxicated.

11 Q. Okay. And how many drinks did you
12 have?

13 A. I don't know.

14 Q. And you said you attended the ADAPT
15 class?

16 A. That's right.

17 Q. I may have pronounced that
18 incorrectly. But on the certification, you
19 said they made findings about --

20 A. Well, they evaluate your lifestyle,
21 your drinking, and then they determine whether
22 you need to stay in the class for a longer
23 period of time or go to rehab or go -- they
24 place you in a bracket of some sort to
25 determine the level of help you needed, so....

1 Q. And what were their findings with
2 regard to you?

3 A. I had six -- I believe six mandatory
4 meetings, and then the findings came back that
5 I no longer -- they felt that their treatment
6 was complete.

7 Q. In your past, have you ever had a
8 problem with your drinking?

9 A. No, ma'am.

10 Q. Have you ever had a problem with
11 drinking until you are intoxicated?

12 A. Intoxicated, yes, but not to that --
13 not to that point of not remembering.

14 Q. Okay. So you think your -- to you,
15 your conduct, your level of intoxication at
16 the Hard Rock was something unusual?

17 A. That's right.

18 Q. And that is why you can't remember?

19 A. Yes.

20 Q. Is there any reason that you think
21 you might have been physically unable to walk
22 when the police got you up?

23 A. Maybe just the level of
24 intoxication, maybe being unable to walk
25 because of that. I don't know if I had had

1 any injuries at that point, a concussion or
2 anything that would make me unable to walk
3 because I hadn't been evaluated by medical
4 personnel at that time.

5 Q. Okay. So you might have suffered a
6 concussion before the police arrived?

7 A. I am unsure.

8 Q. Well, did you just -- I judge by
9 your previous answer that you consider it a
10 possibility?

11 A. A possibility, but I don't know.

12 Q. Okay. And is that from the
13 altercation at the casino?

14 A. Maybe with security or falling down
15 or something like that.

16 Q. You fell down with security?

17 A. Well, I fell on my own, and then I
18 believe I fell with security, and they pinned
19 me down. Maybe I was in a state of
20 semi-unconsciousness when he was sitting on me
21 or I fell asleep or something like that
22 because I wasn't really moving around, so --
23 and then the next time I moved was when Biloxi
24 got there, and so maybe I was shocked and
25 surprised and didn't understand why I wasn't

1 being medically evaluated or why they didn't
2 attempt to put me in a wheelchair or why they
3 didn't bring in the stretcher that they had
4 outside in the valet area before they moved
5 me.

6 Q. So you agree with me that according
7 to the video, the Hard Rock surveillance
8 video, you were not unconscious when the
9 Biloxi police officers arrived?

10 MR. BELLINDER: Object to the form.

11 A. I'm not sure.

12 MS. STEEL:

13 Q. Did you see yourself moving around
14 when the Biloxi police officers were at The
15 Ledge?

16 A. When they got there, but not for the
17 -- minimally during the 10 to 15 minutes where
18 I was under the custody of security.

19 Q. Say that again.

20 A. I was minimally moving when I was
21 under the custody of security before Biloxi PD
22 got there, the 10 to 15 minutes where I was on
23 the ground with the guy on top of me. So I
24 don't know if at that point I fell asleep or
25 was unconscious or -- I have no idea.

1 Q. Do you have any reason to believe
2 that you fell asleep when the security guard
3 had you on the floor and was on top of you?

4 A. I wasn't moving, so I don't know if
5 I --

6 Q. Well, do you think maybe you weren't
7 moving because he was holding you down?

8 A. Well, I could still move my feet or
9 try to get up or anything, but I didn't try to
10 fight him or resist him at any further point.

11 Q. And then when the police officers
12 came, you did move around?

13 A. That's right.

14 Q. You saw yourself move on the video?

15 A. Yes.

16 Q. So doesn't that indicate that you
17 were not unconscious?

18 MR. BELLINDER: Object to the form.

19 A. It would indicate I was unconscious
20 at that time when they -- when Biloxi got
21 there, but I don't know between those 10 to 15
22 minutes if I was conscious or not.

23 MS. STEEL: Would you read his
24 answer back, Jenny?

25 - - -

1 (Whereupon, the answer was read back
2 by the reporter.)

3 MS. STEEL:

4 Q. Are you saying that you were
5 unconscious when Biloxi police arrived or not?

6 MR. BELLINDER: Object to the form.

7 A. In the 10- to 15-minute period
8 before they got there, possibly, but when they
9 arrived right before handcuff -- or tasering
10 and handcuffing me, I was obviously awake at
11 that time.

12 MS. STEEL:

13 Q. All right. Thank you.

14 Do you know that you were charged
15 with resisting arrest, public drunk and
16 disorderly conduct?

17 A. Yes.

18 Q. Did you ever go to trial on those
19 charges?

20 A. No, ma'am.

21 Q. What happened to those charges?

22 A. They were nolle prossed.

23 Q. Nolle prossed?

24 A. Yes.

25 Q. By whom?

1 A. I went to -- I'm not sure what the
2 office is right over here.

3 Q. City court?

4 A. Yes. And I submitted my -- they
5 submitted something to the judge, and then I
6 got a letter in the mail a few weeks later
7 that they had nolle -- whatever, nolle
8 prossed, not prosecuted.

9 Q. Do you still have that letter?

10 A. Yes, I do.

11 MS. STEEL: We ask that that be
12 produced.

13 MS. STEEL:

14 Q. All right. So you -- what does
15 nolle prossed mean?

16 MR. BELLINDER: Object to the form.

17 A. I believe it means not prosecuted.

18 MS. STEEL:

19 Q. Okay. So you were not prosecuted?

20 A. That's right.

21 Q. You went to court, though?

22 A. No. I never went to court.

23 Q. Never went to court?

24 A. (Shakes head negatively).

25 Q. Why didn't you go to city court?

1 MR. BELLINDER: Object to the form.

2 A. I was never given a court date or --
3 I can't remember exactly what had happened,
4 but I know I had received my bail money back
5 and then submitted a letter to the -- or the
6 judge, whatever he did, and then I got the
7 letter in the mail.

8 MS. STEEL:

9 Q. You submitted a letter to the judge?

10 A. No. I went to the court over here,
11 and then I talked to the lady working the
12 desk, and she said it was up to the judge. I
13 don't -- I don't -- I don't know the
14 proceedings or the way it works.

15 Q. Well, did you submit a letter to the
16 court?

17 A. No.

18 Q. Did you have an attorney?

19 A. No.

20 Q. Did the military prosecute you on
21 those charges?

22 A. I believe they took jurisdiction.

23 Q. Of all of the charges?

24 A. Yes.

25 Q. And how did you know that to be the

1 case? How did you learn of that?

2 A. I had to meet with my commander.

3 Q. And who is your commander?

4 A. It was Major Pignataro at the time.

5 Q. And what did y'all discuss in that
6 meeting?

7 A. It was very formal, so I went in,
8 stood in front of his desk. He read his
9 findings, offered me the Art 15. I could
10 either accept the punishment he was offering
11 or I could decline it and then I could take it
12 to a court-martial.

13 Q. So it's your understanding that the
14 Article 15 that you received was the
15 military's determination of the charges of
16 resisting arrest, disorderly conduct and
17 public drunk?

18 MR. BELLINDER: Object to the form.

19 A. I believe so, but I think they
20 dropped everything except disorderly conduct,
21 I believe. It was either disorderly conduct
22 or public drunk that was still there, but they
23 dropped resisting arrest and the other --
24 whatever other one that they dropped. I'm not
25 sure exactly what one.

1 MS. STEEL:

2 Q. And when you went in and talked to
3 the clerk at city court, were you telling her
4 that this is what you wanted to happen, that
5 you wanted the military to take jurisdiction
6 of these charges?

7 A. I believe my commanders or the JAG
8 office, legal office had submitted a request
9 to the court, Harrison County or the city, to
10 request jurisdiction, and the city granted
11 jurisdiction to the military.

12 Q. Do you have a copy of that letter?

13 A. I believe so.

14 MS. STEEL: We ask that that be
15 produced as well.

16 MS. STEEL:

17 Q. Do you have any other documents that
18 go along with the Article 15?

19 A. I would have to look. I'm not sure.

20 Q. When you went to the clerk -- I
21 thought you first said that you wrote a
22 letter.

23 A. I misworded -- I never wrote a
24 letter. I meant that the judge -- or the
25 judge sent me a letter. I don't know if the

1 clerk had to submit something, but I never
2 submitted anything.

3 Q. Okay. And you'll look for all those
4 documents and give them to your attorney?

5 A. Yes.

6 Q. Okay. Great.

7 Have you ever been convicted of a
8 misdemeanor or a felony either before 11/27/11
9 or after?

10 A. No, ma'am.

11 Q. Did you have anything to drink
12 before you went to the Hard Rock?

13 A. I believe I had one drink before we
14 left, and then my wife drove.

15 Q. What did you have?

16 A. Whiskey and -- I can't remember the
17 mixer.

18 Q. Did Alyssa have anything to drink --

19 A. No, ma'am.

20 Q. -- at the house?

21 A. No.

22 Q. Did you take any medication that day
23 or night?

24 A. No, I didn't.

25 Q. Now, who were you meeting at the

1 Hard Rock?

2 A. Just my flight members in general.

3 Q. And you've already given us their
4 names?

5 A. That's right.

6 Q. All right. Is it your recollection
7 that you went to The Ledge and you didn't go
8 anywhere else during the entire time you were
9 at the casino?

10 A. That's right.

11 Q. Are you right-handed or left-handed?

12 A. Right-handed.

13 Q. Okay. And you've seen the video?

14 A. Yes.

15 Q. And you don't -- do you recall what
16 Dorack was wearing?

17 A. I don't recall.

18 Q. Was he on the floor with you?

19 A. No.

20 Q. He never was?

21 A. No, not that I -- not that I
22 remember. I don't believe so.

23 Q. When you watched the video, did you
24 see another person on the floor with you who
25 was not casino security or Alyssa Jordan?

1 A. Sergeant Reimer.

2 Q. Reimer?

3 A. That's right.

4 Q. And what was Reimer wearing?

5 A. I think jeans and just a button-up,
6 but I can't remember what color it was.

7 Q. Was it dark colored or light
8 colored, his shirt?

9 A. I can't remember. I think it was
10 light colored.

11 Q. Do you remember anyone you were with
12 wearing a vest of any sort?

13 A. No.

14 Q. And you have no recollection of
15 being tasered by the Biloxi police?

16 A. No.

17 Q. Is it your understanding that the
18 police attempted to handcuff you when they
19 first arrived?

20 A. Yes.

21 MR. BELLINDER: Object to the form.

22 MS. STEEL:

23 Q. So when you were moving around, you
24 were trying to keep from being handcuffed?

25 A. Yes.

1 Q. And according to the video, once the
2 taser was applied, you were then -- they were
3 then able to handcuff you?

4 MR. BELLINDER: Object to the form.

5 A. It's hard to see in the video, but
6 it appears that way.

7 MS. STEEL:

8 Q. Okay. In looking at the video, when
9 you were in the bar on the floor, did you see
10 your pants fall down there?

11 A. No. I don't believe they fell down
12 there. I think my shoes came off there.

13 Q. How did your shoes come off?

14 MR. BELLINDER: Object to the form.

15 A. I'm not sure.

16 MS. STEEL:

17 Q. What kind of shoes were they,
18 lace-up or slip-on?

19 A. They were slip-on, skateboard shoes.

20 Q. You don't have any personal
21 knowledge of what occurred between the Biloxi
22 Police Department and Alyssa Jordan?

23 A. Not -- no, not personally.

24 Q. Have your pants ever fallen down
25 before?

1 A. No.

2 Q. Were your pants too large?

3 A. No.

4 Q. Were they loose?

5 A. No.

6 Q. Have you ever mooned anybody?

7 A. No.

8 Q. Have you ever run around naked
9 outside?

10 A. No.

11 Q. Now, you said you had two black
12 eyes?

13 A. That's right.

14 Q. And was that noted on the medical
15 records?

16 A. I believe so.

17 Q. Did you take any photographs of your
18 injuries?

19 A. Yes, I did. I took photographs from
20 the day after until the bruising went away.

21 Q. Where are those photographs now?

22 A. I have them at home.

23 Q. Who took them?

24 A. I took them.

25 MS. STEEL: We need those produced

1 as well, Thomas.

2 MS. STEEL:

3 Q. Two black eyes, obviously that's
4 resolved?

5 A. That's right.

6 Q. Any permanent damage from those
7 black eyes?

8 A. No.

9 Q. Okay. You said the bridge of your
10 nose was black and swollen?

11 A. That's right.

12 Q. Has that resolved?

13 A. Yes.

14 Q. Any permanent damage from that?

15 A. Not that I know of.

16 Q. Okay. Well, you had a CT scan of
17 your head, right?

18 A. Yes.

19 Q. Wasn't it essentially normal?

20 A. I believe so.

21 MR. BELLINDER: Object to the form.

22 MS. STEEL:

23 Q. What was your answer?

24 A. I believe so.

25 Q. Okay.

1 A. I haven't seen the results, but from
2 what I can remember.

3 Q. Is that what they told you?

4 A. As far as I can remember, yes.

5 Q. You would expect the doctors to tell
6 you if your CT scan was not normal?

7 A. I would hope so.

8 Q. Yeah. Me, too.

9 All right. You said your ear was
10 bruised. Has that resolved?

11 A. Yes, it has.

12 Q. Any permanent damage?

13 A. No.

14 Q. Taser marks, have those gone away?

15 A. I believe -- the mark went away, but
16 I'm not sure if there's a scar or not.

17 Q. Okay. Why would you have a scar?

18 A. It burned me.

19 MR. BELLINDER: Object to the form.

20 MS. STEEL:

21 Q. Burn?

22 A. (Nods head affirmatively.)

23 Q. Handcuff marks, have those gone
24 away?

25 A. Yes. I think there's light

1 scarring, though.

2 Q. Show us.

3 A. I believe you have to look pretty
4 hard, but there's two lines from the
5 handcuffs. One was there, one was there
6 (indicating). It's hard to see.

7 Q. I don't see them. Were they ever
8 more pronounced than what they are now?

9 A. They were, yes.

10 Q. You can't see them anymore with
11 ease?

12 A. Right.

13 Q. Okay. And you said the feeling has
14 come back into your hands?

15 A. Yes.

16 Q. All right. Your head, you said part
17 of it was numb?

18 A. That's right.

19 Q. Was that up around the hairline?

20 A. It was just on one side. It was
21 kind of like a softball size, like my head had
22 gotten hit on something. I don't know what it
23 was from, but --

24 Q. Was it on the side of your head or
25 the back?

1 A. It was kind of on the top, just sort
2 of (indicating) --

3 Q. Top, and that's the right side --

4 A. That's right.

5 Q. -- top right?

6 And has the feeling returned to your
7 head?

8 A. Yes.

9 Q. You said you were bruised into your
10 hairline, and have the bruises -- has the
11 bruise resolved?

12 A. Yes.

13 Q. The only injury you have that has
14 not resolved is your right wrist?

15 A. That's right. And then I also had
16 like a skid mark -- skinned my elbow, so
17 there's a scar from that. I forgot that.
18 There's pictures of that, also.

19 Q. Yeah. You'll get us those.

20 You testified that you occasionally
21 drink, and could you tell me what frequency
22 occasionally means to you?

23 A. Maybe -- maybe a few beers on my day
24 off or like holidays or events.

25 Q. To mean once a week?

1 A. Yes.

2 Q. Once a week?

3 A. That's right.

4 Q. And what do you drink when you
5 drink?

6 A. Beer.

7 Q. Have you been hospitalized because
8 of any injury you suffered on 11/27/11?

9 A. As far as like an extended stay
10 or -- only for the surgeries, same-day
11 surgeries.

12 Q. Was it outpatient surgery?

13 A. Yes.

14 Q. So you haven't been admitted to the
15 hospital?

16 A. Right.

17 MS. STEEL: Almost through, Thomas,
18 if you'll just give me a second.

19 MS. STEEL:

20 Q. You testified that you had a
21 previous injury to your right wrist when you
22 were MMA grappling?

23 A. It was more like just a wrestling
24 thing but --

25 Q. When was that?

1 A. It was -- I can't -- I can't
2 remember the date. It was prior to coming
3 into the military. So prior to 2010. Maybe
4 2009, 2008. I can't remember.

5 Q. One of those years you think?

6 A. That's right.

7 Q. Yes?

8 A. Yes.

9 MS. STEEL: That's all I have.

10 - - -

11 EXAMINATION

12 BY MR. CLARK:

13 Q. I've got some. I took a note
14 earlier. I'm not trying to stick on the
15 pants, but I noticed you said pulled down.
16 Are you saying that somebody pulled your pants
17 down? Do you recall that?

18 A. I don't recall how they -- I'm not
19 sure how they came down. I don't know if it's
20 on the video or not.

21 Q. Do you think that somebody pulled
22 them down?

23 A. I think they may have came off when
24 I was being taken down the stairs by my arms,
25 and my feet were dragging, so maybe they got

1 caught on -- I don't know if there's any kind
2 of grips or something on the stairs that go up
3 to The Ledge, but maybe they got hung up on
4 there, and as each stair went, they came a
5 little farther down.

6 Q. You didn't see anybody in the video
7 pull them down?

8 A. No.

9 Q. I think you also testified earlier
10 that maybe you hadn't drank to this level of
11 intoxication before?

12 A. Right.

13 Q. When you have drank before, had you
14 ever had memories missing the next day of any
15 parts of the night before that you couldn't
16 recall?

17 A. No, sir.

18 Q. That had never occurred?

19 A. That never occurred.

20 Q. This was the first time you had an
21 issue recalling the events of the night when
22 you had been intoxicated?

23 A. That's right. That's the first time
24 I ever went to a nightclub before, so...

25 Q. Do you have any independent

1 recollection of what Josh Hamilton -- any
2 injuries that he may have caused you that
3 you've alleged in this lawsuit?

4 A. I don't know exactly where along the
5 course the injuries occurred, so I'm not -- so
6 I don't know if -- his exact role in injuries
7 or --

8 Q. Do you even know who Josh Hamilton
9 is?

10 A. Yes, I do. Prior Security Forces at
11 Keesler.

12 Q. But on this night, do you know --

13 A. I don't remember. I didn't know who
14 he was. I don't remember even seeing any
15 Biloxi police.

16 Q. Have you seen the video?

17 A. I've seen the video, yes. I know
18 who he is in the video, but not from my
19 memory.

20 Q. Who do you think he is in the video?

21 A. He's wearing the hat.

22 Q. Okay.

23 A. And --

24 Q. Based on statements made in your
25 complaint, after reviewing the video, do you

1 still agree with your allegations against Josh
2 Hamilton?

3 A. He was also the one that tased me,
4 so, yes, I believe so.

5 Q. You agree with everything written in
6 this complaint alleged against Josh Hamilton?

7 MR. BELLINDER: Object to the form.

8 A. Yes.

9 MR. CLARK:

10 Q. Okay. I'll just ask this one more
11 time maybe in a different way, but this
12 complaint, is it in your mind an accurate
13 depiction of what Josh Hamilton did on the
14 night that this incident occurred?

15 A. Yes.

16 MR. BELLINDER: Object to the form.

17 MR. CLARK:

18 Q. When you were -- you said you had a
19 medical -- you went to some doctor -- I think
20 -- some emergency care; is that right?

21 A. I went to a Keesler emergency room.

22 Q. And Dr. Cromwell, is that who
23 checked you out initially?

24 A. He was actually my area defense
25 counsel.

1 Q. I'm sorry. I don't know if I wrote
2 his name down. Do you recall who you saw
3 initially right after this incident occurred?

4 A. I can't recall. It's just the ER
5 doctor, not my regular provider, so I can't
6 remember who it was.

7 Q. You may have said this earlier, but
8 did you give them any indication or did -- let
9 me back up. Did they give you any indication
10 of how you might have got two black eyes and a
11 -- was your nose broken, did you say?

12 A. It wasn't broken. It was just
13 swollen across the bridge.

14 Q. Did they give you any indication of
15 how that may have occurred?

16 A. They didn't state it to me. I don't
17 know if they put it in their notes or reports
18 or anything.

19 Q. Did you tell them how you thought it
20 occurred?

21 A. No.

22 Q. And you don't recall specifically
23 from your independent recollection, do you?

24 A. No.

25 MR. CLARK: I think you covered most

1 everything else. That's all I have.

2 - - -

3 EXAMINATION

4 BY MR. BELLINDER:

5 Q. Just a few questions, just so we're
6 clear. You've been asked several times in
7 several different ways about at what point you
8 remember and don't remember certain things
9 about that night, and it's my recollection of
10 the testimony you remember up until being at
11 the bar and having some drinks and some fun,
12 some good times with the folks there?

13 A. Right.

14 Q. But you don't recall the actual
15 incident involving Airman Dorack or any type
16 physical altercation with them?

17 A. That's correct.

18 Q. You recall at some point possibly
19 waking up and having some type of foggy
20 memories of being drug down the stairs or at
21 some point being in some pain --

22 A. That's right.

23 Q. -- but nothing specific?

24 And the next specific memory that
25 you had was waking up in the jail cell at 9:00

1 or 10:00 a.m.; is that right?

2 A. Yes.

3 Q. And so any testimony that you give
4 regarding events of what actually occurred or
5 what you feel like or what you've seen as
6 taking place comes from looking at the video?

7 MR. STEWART: Object to the form.

8 MR. BELLINDER:

9 Q. Is that right?

10 A. That's correct.

11 Q. Okay. And you don't have any
12 medical background; is that right?

13 A. That's right.

14 Q. You've never been trained -- never
15 been to medical school?

16 A. Right.

17 Q. You've never been trained as to
18 medicine or any type medical issue, correct?

19 A. That's correct.

20 Q. And so when we're talking about your
21 state of consciousness, whether you were
22 conscious or unconscious, you don't have any
23 specific training or ability to speak on that;
24 is that right?

25 MR. STEWART: Object to the form.

1 A. Yes, sir.

2 MR. BELLINDER:

3 Q. When it comes to voluntary versus
4 involuntary physical movements, do you have
5 any training or ability to speak on that?

6 MS. STEEL: Object to the form.

7 MR. BELLINDER:

8 Q. Have you ever been trained on
9 whether or not a movement by a person by
10 looking at them on a video is voluntary versus
11 involuntary?

12 A. No.

13 Q. Have you ever been trained that
14 someone can have involuntary movements while
15 unconscious?

16 MR. STEWART: Object to the form.

17 MS. STEEL: Object.

18 A. I've never been trained on that.

19 MR. BELLINDER:

20 Q. And then for the record, you're
21 gonna find us, if you can, the nolle pros
22 letter that was sent to you by the judge, the
23 letter where the military accepted
24 jurisdiction and any photographs you have and
25 any bills that you may have in your

1 possession; is that right?

2 A. That's right.

3 MS. STEEL: Anything he has related
4 to Article 15.

5 MR. BELLINDER: Right.

6 MR. BELLINDER:

7 Q. And, also, anything you have related
8 to the Article 15 proceedings by the military?

9 A. Yes.

10 MR. BELLINDER: That's all I have.

11 - - -

12 (Off the record.)

13 EXAMINATION

14 BY MR. CLARK:

15 Q. On base, do you use tasers? Do the
16 officers use tasers?

17 A. Yes, we do.

18 Q. Do you use a taser?

19 A. I don't use one. I use a baton.

20 Q. Have you had any training with
21 tasers?

22 A. No, not certification training, just
23 seeing them being around in general, but not
24 where I can say I'm certified on them.

25 - - -

1 EXAMINATION

2 BY MR. STEWART:

3 Q. Have you ever been tased in that
4 process?

5 A. No, sir. That was --

6 Q. Have you ever done it just with
7 other guys around just to see what it feels
8 like?

9 A. No.

10 Q. This is the only time in your life
11 you've ever been tased was the night of this
12 incident?

13 A. That's right.

14 MS. STEEL: I do want to state that
15 I would like to recess the deposition pending
16 getting these things because I may have more
17 questions.18 MR. BELLINDER: We won't object to
19 that.

20 - - -

21 (Deposition recessed at 4:54 p.m.)

22

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1 CERTIFICATE OF COURT REPORTER

2 I, Jennifer West Ray, Court Reporter,

3 and Notary Public in and for the County of Harrison,
4 State of Mississippi, hereby certify that the
5 foregoing pages, and including this page, contain a
6 true and correct transcript of the testimony of the
7 witness, as taken by me at the time and place
8 heretofore stated, and later reduced to typewritten
9 form by computer-aided transcription under my
10 supervision and to the best of my skill and ability.11 I further certify that I placed the
12 witness under oath to truthfully answer the
13 questions in this matter under the power vested in
14 me by the State of Mississippi.15 I further certify that I am not in the
16 employ of or related to any counsel or party in this
17 matter, and have no interest, monetary or otherwise,
18 in the final outcome of the proceedings.19 Witness my signature this the _____ day
20 of _____, 2014.

22 JENNIFER WEST RAY, RPR

23 My Commission Expires on 4/24/17

24

25

1 ERRATA SHEET
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I, JASON JORDAN, do hereby certify that I have read the foregoing deposition and that the same is a true and accurate transcript of my testimony, with the exception of the changes noted below, if any:

PAGE /LINE	WORD(S) TO BE CHANGED	CORRECT WORD(S)	REASON FOR CHANGE
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JASON JORDAN

State of _____
County of _____

Sworn to and subscribed before me
this _____ day of _____ 2014.

Notary public
My commission expires: